IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

(67) CHAMBER SUMMONS NO. 1358 OF 2004
IN
EXECUTION APPLICATION NO. 183 OF 2004

M/s. G.M. Berweries Ltd. ... Plaintiff

Versus

M/s. Siddhivinayak Builders & Anr..Defendants

Mr. Kamal Kumar ... Intervenor

Ms. Sumedha Rao for Applicant.

Mr. Chetan Kapadia with Mr. O.A. Das for Plaintiff.

CORAM : A.M. KHANWILKAR,J.
DATED : JULY 12, 2005

P.C.

. Preliminary objection is taken on behalf of the Judgement Creditor that the Chamber summons as presented by Mr. Kamal Kumar espousing the cause of other occupants of the buildings in question is not maintainable.

It appears that 38 occupants claim to have been put in possession of separate flats sold in their favour by the Judgement Debtor by agreement/sale deed.

There is substance in this objection.

. At this stage, the counsel for the Applicant prays that the applicant be permitted to withdraw this application with liberty to file separate applications on behalf of the individual occupant

of the flats in the said buildings, which application if filed, can be considered on its own merits in accordance with law.

. Accordingly, chamber summons dismissed as withdrawn with liberty as prayed for to enable the applicant and similarly situated persons to file appropriate application before this court. It is ordered that the status quo as of today be maintained by the parties with regard to the said property for the period of three weeks from today.

(A.M. KHANWILKAR,J.)